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THE 2009 ACCOMMODATION LAW CONFERENCE

New legal breakthroughs in the duty to accommodate and their
impact on union and employer representatives in Canada



Vancouver

May 27 & 28, 2009
Fairmont Hotel Vancouver



labour law online.ca
CENTRE FOR LABOUR-MANAGEMENT DEVELOPMENT

THE 2009 ACCOMMODATION LAW CONFERENCE

New legal breakthroughs in the duty to accommodate and their impact on union and employer representatives in Canada

Rise to the accommodation challenge! Now there's an easy way for union and employer representatives to stay on top of the latest legal breakthroughs in the duty to accommodate. Attend this state-of-the-law conference to learn what it takes to make informed accommodation decisions based on the latest developments in the law.

WEDNESDAY, MAY 27
Registration: 8:30 - 9:00 a.m.

MORNING SESSION - 9:00 a.m. to 12:00 p.m.
Gina Fiorillo and Chuck Harrison

Update: The Employer's Duty to Accommodate

A review of recent cases including:

- Highest court rules on undue hardship
- A duty to lay off or create work for disabled employee?
- The duty to fully consider a disabled employee's limitations and restrictions
- Are deemed-termination clauses applicable anymore?
- A duty to "warn" absentee employees prior to termination?

Update: The Union's Duty to Accommodate

A review of recent cases including:

- The union's duty to make inquiries before rejecting accommodation
- The need for the union's agreement in a last-chance agreement
- Does the union have a right to be consulted on proposed accommodations?

Update: The Employee's Duty to Cooperate

A review of recent cases including:

- Lack of cooperation may thwart duty to accommodate
- Impact of disability on employee's effort to cooperate
- Duty to inform employee of consequences of non-cooperation
- Keeping employers updated on contact information
- Employee may have to incur some discomfort in accommodation

Update: Accommodating Mental Disability

A review of recent cases including:

- Anxiety not always a disability
- Employer must probe for more information where disability vague
- Employee with bi-polar awarded damages for lack of accommodation
- Decision not to renew employment contract related to ADHD?

Update: Discipline and Accommodation

A review of recent cases including:

- Supreme Court rules on disability defence in discipline
- Self-help accommodation leads to discipline
- Finding the nexus between the discipline and disability
- Lateness may be attributable to disability

AFTERNOON SESSION - 1:15 to 4:30 p.m.
Theo Arsenault and Andrea Zwack

Getting What You Need From Doctors

- What is a legitimate request for medical information?
- How do you know if the medical information is sufficient?
- What to do when the information is not satisfactory?
- What is the impact of your collective agreement language?

Update: Medical Privacy

A review of recent cases including:

- Exercising caution when using standard medical forms
- What is a "reasonable basis" for requesting medical information?
- Employee not required to disclose medical condition to coworkers



Update: Accommodating Substance Addiction

A review of recent cases including:

- “Binge drinking” part of disability?
- Workplace safety a key factor
- The enforceable last-chance agreement
- Conditional reinstatement for alcoholic employee
- Substance abuse not always a disability

Accommodating the Substance Abuser: A Step-by-step Approach

A case study demonstrating how to overcome the substantial challenges faced by union and employer representatives when seeking to accommodate a drug- or alcohol-dependent employee.

THURSDAY, MAY 28

MORNING SESSION - 8:30 a.m. to 12:00 p.m.
Gary Bainbridge and Kevin Wilson

Accommodating the Commute to Work

- Does the duty to accommodate cover the commute to work?
- Is a longer commute to work a factor in the accommodation analysis?
- Would teleworking cause undue hardship?

Off-site Work: Accommodation Challenges and Opportunities

- Factors to consider when accommodating an employee in a home office
- Telework arrangements
- Health and safety implications of off-site work accommodation

Return-to-work Committees:

Their Role in the Accommodation Process

- When can a return-to-work committee assist in the accommodation process?
- Who should sit on the committee and what should be the scope of its function?
- When should committee meetings be triggered?

Emerging Technology:

How it's Changing the Duty to Accommodate

- How can new technology assist in the accommodation process?
- How might it inadvertently create a discriminatory workplace?
- When must the employer supply technology as part of its duty to accommodate?
- External-assistive devices vs. personal-assistive devices
- Voice-recognition software, hearing aids, interlock-ignition devices

AFTERNOON SESSION - 1:15 to 3:00 p.m.
Shona Moore and Michael Wagner

Accommodation Q&A

Union and management counsel answer your questions on the duty to accommodate.

PRESENTERS

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4 easy ways to register

Centre For Labour-Management Development
141 Bannatyne Ave., Suite 250,
Winnipeg, Manitoba R3B 0R3

- 1. by mail
- 2. toll-free fax 1-800-665-5990
- 3. toll-free phone 1-800-665-4411
- 4. online www.LabourLawOnline.ca

- Please register us for the 2009 Accommodation Law Conference in Vancouver, May 27 & 28, 2009
- I cannot attend, but please send me notice of future programs by mail or E-mail

Name and organization will appear on name tag. (Please print clearly)

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SEMINARS

The 2009 Accommodation Law Conference

Winnipeg	April 21 & 22
Saskatoon	April 28 & 29
Edmonton	May 20 & 21
Vancouver	May 27 & 28

Progressive Discipline for Supervisors and Stewards

Regina	June 4
Winnipeg	June 18

AUDIO

Please see our selection of live and prerecorded audio conferences: www.LabourLawOnline.ca

For more information on programs and schedules please visit LabourLawOnline.ca

ONSITE

Ask us about arranging an inhouse course at a time and location suitable for you:

- Progressive Discipline For Supervisors and Stewards
- The Duty to Accommodate in the Unionized Workplace

ACCOMMODATIONS

Special guestroom rates starting at \$259 (standard, single/double plus taxes) have been arranged for registrants at the Fairmont Hotel Vancouver, 900 West Georgia St., in downtown Vancouver.

Phone hotel reservation directly at (604) 684-3131 and ask for the group rate for "Centre For Labour-Management Development." Reserve early as availability is limited.

The Fairmont Hotel Vancouver is a unionized hotel.

TUITION

Includes two-day conference, conference binder, continental breakfasts and refreshments. Other meals and guestrooms not included.

Individual: \$795 (plus \$39.75 GST = \$834.75)

Group (3+ each): \$745 (plus \$37.25 GST = \$782.25)

Super Group (7+ each): \$695 (plus \$34.75 GST = \$729.75)

To qualify for group rates, registrants must be from the same organization, or union local, and register together.

CANCELLATIONS must be in writing and received by May 20, 2009 in order to qualify for a full refund less a \$50 administration fee. Non-compliance will result in liability for the entire tuition.

SUBSTITUTIONS may be made at any time.

PRESENTERS are confirmed at the time of publication, but are subject to change in emergencies.